

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.101 OF 2006

IN

SUIT NO.2092 OF 2005

...

Prakash J. Sahajwani

...Plaintiff

v/s.

Shree Kalangidhar Silk Mills

and ors.

...Defendants

...

Mr.A.H.Delliwala i/b Kukreja & Co. for the Plaintiff.

Mr.S.C.Naidu i/b Naidu & Co. for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 18TH JULY, 2006

P.C.:

By consent of parties the summons for judgment is disposed of in following terms:

(i) Defendants to deposit an amount of Rs.1,00,000/- in this court with due intimation to the Plaintiff within a period of 10 weeks from today.

(ii) On the amount being deposited the summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendants. In that event written statement to be filed within eight weeks from the date of deposit.

(iii) In case the amount is not so deposited by the Defendants, the summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause of the suit.

(iv) In case the Defendants deposit the amount, the Plaintiff shall be permitted to withdraw the amount on furnishing a bank guarantee of a nationalised bank

to the satisfaction of the Prothonotary & Sr.Master and on furnishing an undertaking to the Court undertaking therein to redeposit the amount if so directed by this Court on such terms and conditions as may be directed by this court. The Plaintiff shall also undertakes that in case the amount shall be brought back, the rate of interest shall not be less than 12% p.a.

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